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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

|                           |   |                                                |
|---------------------------|---|------------------------------------------------|
| UNITED STATES OF AMERICA, | ) | No. CR-12-00554 SBA                            |
|                           | ) |                                                |
| Plaintiff,                | ) | STIPULATED REQUEST TO CONTINUE                 |
|                           | ) | HEARING DATE TO SEPTEMBER 27,                  |
| v.                        | ) | 2012 AND TO EXCLUDE TIME UNDER                 |
|                           | ) | THE SPEEDY TRIAL ACT AND                       |
|                           | ) | <del>PROPOSED</del> ORDER                      |
|                           | ) |                                                |
| CLYDE ALLEN CRAIG,        | ) |                                                |
|                           | ) | Hearing Date: August 28, 2012                  |
|                           | ) | Time: 9:30 a.m.                                |
| Defendant.                | ) |                                                |
|                           | ) |                                                |
|                           | ) | <b><u>The Honorable Kandis A. Westmore</u></b> |

The above-captioned matter is set on August 28, 2012 before the Honorable Kandis Westmore for a status hearing. The parties jointly request that the Court continue the matter to September 27, 2012, at 9:30 a.m., before the sitting magistrate court, and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. § 3161, between August 28, 2012 and September 27, 2012, so that the defense can have time to review the discovery, to research the Guidelines range and to obtain prior records.

On July 12, 2012, the grand jury charged Clyde Allen Craig with violations of 18 U.S.C. § 2252, the possession and distribution of child pornography. On July 18, 2012, Mr. Craig was arraigned on the Indictment and pleaded not guilty. On the most serious charge, Mr. Craig faces

1 a minimum sentence of 15 years imprisonment and a maximum sentence of 40.

2 The government produced discovery in this case. The defense has reviewed that  
3 discovery but needs additional time to review the discovery with her client and to investigate the  
4 case and to obtain prior conviction records to assess Mr. Craig's sentencing Guidelines range.  
5 For these reasons, the defense requests additional time, and the parties agree that this is an  
6 appropriate reason to continue this case until September 27, 2012.

7 The parties stipulate and agree that the ends of justice served by this continuance  
8 outweigh the best interest of the public and the defendant in a speedy trial. The parties further  
9 agree that the failure to grant this continuance would unreasonably deny counsel for defendant  
10 the reasonable time necessary for effective preparation, taking into account the exercise of due  
11 diligence. Accordingly, the parties agree that the period of time from August 28, 2012 until  
12 September 27, 2012, should be excluded in accordance with the provisions of the Speedy Trial  
13 Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), for effective preparation of defense counsel, taking  
14 into account the exercise of due diligence.

15 DATED: August 24, 2012

\_\_\_\_\_  
/S/  
CHRISTINA McCALL  
Assistant United States Attorney

17 DATED: August 24, 2012

\_\_\_\_\_  
/S/  
ANGELA M. HANSEN  
Assistant Federal Public Defender

**ORDER**

Based on the reasons provided in the stipulation of the parties above, the Court hereby  
FINDS:

1. Given that the defense needs additional time to review the discovery produced  
with her client;

2. Given that the defense has requested additional time to investigate the case and to  
obtain prior conviction records to assess the sentencing Guidelines range;

3. Given that these above-listed tasks are necessary to the defense preparation of the  
case and that the failure to grant the requested continuance would unreasonably deny counsel for  
defendant the reasonable time necessary for effective preparation, taking into account the  
exercise of due diligence;

4. Given that the ends of justice served by this continuance outweigh the best interest  
of the public and the defendant in a speedy trial;

Based on these findings, IT IS HEREBY ORDERED that the STATUS date of August  
28, 2012, scheduled at 9:30 a.m., before the Honorable Kandis A. Westmore, is vacated and reset  
for September 27, 2012, at 9:30 a.m., before the sitting United States Magistrate Court. It is  
FURTHER ORDERED that time is excluded pursuant to the Speedy Trial Act, 18 U.S.C. §  
3161(h)(7)(A) and (B)(iv), from August 28, 2012 until September 27, 2012.

August 27, 2012

  
KANDIS A. WESTMORE  
United States Magistrate Judge